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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/467,074
Filing Date: December 20, 1999
Appellant(s): ORDING ET AL.

James A. LaBarre
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed October 25, 2004.

(1) Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Invention

The summary of invention contained in the brief is correct.

(6) Issues

The appellant's statement of the issues in the brief is correct.

(7) Grouping of Claims

The rejection of claims 1-22, 24-72, 74-108, and 118-141 stand or fall together because appellant's brief does not include a statement that this grouping of

claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

5,736,974	SELKER	4-1998
5,825,357	MALAMUD ET AL	10-1998
5,657,049	LUDOLPH ET AL	8-1997
6,256,649	MACKINLAY ET AL	7-2001

Carpendale et al, "Distortion Viewing Techniques for 3-Dimensional Data", IEEE Computer Society, 1996, pp. 46-53.

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented

and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-5, 9, 10, 12-15, 20, 21, 25-27, 35-38, 42-46, 48-51, 56, 57, 61-63, 71, 74, 76, 79-82, 84-87, 92, 93, 98, 99, 107, 118-123, and 127-141 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Selker* (US 5,736,974) in view of *Carpendale et al* (Distortion Viewing Techniques for 3-Dimensional Data, 1996).

Claims 1, 35, 71, 107, 118, 136, and 139:

Selker discloses a method for improving visibility and selectability of icons. Enhanced visibility of icons and other types of menu items is provided by increasing size and or skew (animation) or both of one or more icons or menu items in a generally inverse relation to proximity of a cursor image address to particular icons or menu items (abstract; col. 4, lines 59-67; col. 9, lines 55-67; col. 10, lines 1-7). Selker does not teach repositioning the other tiles along the bar to accommodate the varied size of the one tile. However, Carpendale discloses a method for distortion viewing techniques for 3-dimensional data that applies magnification and distortion. Carpendale teaches that the method allows magnification of a chosen focus to display detail (page 48, col. 2, lines 13-28; figs. 6 & 16; page 50, col. 1, lines 18-31). Carpendale teaches repositioning the neighbors (other tiles) to accommodate the varied size of the focal object; the viewing access distortion restores the visibility of

the central focus (page, col. 2, lines 28-31; figs. 1, 2, 3, 5, 11, 12, 16, 17, & 18). Therefore, it would have been obvious to one ordinarily skilled in the art at the time the invention was made to modify Selker to include Carpendale's teaching of repositioning neighboring objects to accommodate other tiles having different sizes and to magnify the focus because the invention helps to improve visibility of desired objects, it improves user's ability to select items from large menus, it provides a focus area around the pointer, it allows an entire menu on a single screen without requiring navigation, scrollbars, cascading menus, etc.

Claims 2, 3, 4, 36, and 37:

See claim 1. See Selker, col. 8, lines 26-34; figures 1-5; see Carpendale: page 50, column 1, lines 8-13.

Claims 5, 38, 74, and 76:

See claim 1. Selker teaches that if icons E and P (fig. 5) are at arbitrary locations on the screen 61, 62 and the cursor at another arbitrary location, evaluation of d' and d" would ordinarily be done in regard to both orthogonal directions on the display by, for example, applying the well-known Pythagorean theorem to the distances between the icon address and the cursor address in both coordinate directions. Differences in d (distance) provide for different degrees of expansion of respective icons (col. 5, lines 33-55; col. 6, lines 1-17, 40-47; col. 7, lines 27-30, 36-

44, 51-57).

Claims 9, 45, 81, 123, and 133:

See claim 1. Carpendale teaches the use of four different functions, orthogonal, step, sine, and Gausian (page 47, col. 2, lines 5-10; page 50, col. 1, lines 8-13).

Claims 10 and 82:

See claim 1. Selker does not teach the position of the icon menu (bar). However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to position Selker's bar at the bottom of the display because the user can easily access and manipulate the icons.

Claims 12, 48, and 84:

See claim 1. Selker teaches that a value is assigned to an attribute data representing a visual feature, the assigned value being from a group of at least three different values. The menu items are displayed in accordance with the assigned attribute data value (col. 9, lines 29-35, 63-67; col. 10, lines 1-7).

Claims 13, 49, and 85:

Selker teaches that the size of the menu item is limited in response to detection of the cursor location within the detection zone of the menu item (col. 8, lines 55-60; col. 9, lines 29-36; col. 10, lines 21-23).

Claims 14, 44, 50, 80, and 86:

Selker teaches that the user can enlarge the icon at will and also shrink the icon by moving the cursor toward the normal position of the icon in the unexpanded (default) icon menu (col. 6, lines 60-67; col. 7, lines 1-26).

Claims 15, 51, and 87:

Selker teaches that an icon can be expanded to an arbitrary size (col. 5, lines 34-55; col. 6, lines 1-17, 40-47; col. 7, lines 36-44).

Claims 20, 56, and 92:

See claim 1. Selker teaches a plurality of tiles occupying a single row on the display (Selker, figures 1-5).

Claims 21, 57, and 93:

See claim 1. Carpendale teaches a plurality of tiles (2D display) occupying multiple rows on the display (Carpendale, figs. 1, 5).

Claims 25 and 61:

See claim 1. Selker teaches that the size of a menu item (tiles) is changed when the cursor is positioned on or close to the item (abstract; col. 4, lines 7-28).

Claims 26, 62, 121, and 131:

See claim 1. Selker teaches a cursor proximate to the bar (icon menu) when the cursor is within a predetermined distance of the tiles (Selker, col. 5, lines 19-33).

Claims 27, 63, and 99:

See claim 1. Selker teaches displaying a label associated with the tiles (Selker, figures 1-5).

Claims 42, 119, and 129:

See claim 1. Carpendale teaches magnification of icons proximate to the focal object (figs. 1, 2, 3, 5, 11, 12, 15-17).

Claim 43:

Selker teaches user selection of a magnitude of the magnification (col. 6, lines 40-47, 60-67; col. 7, lines 1-11; col. 9, lines 29-36).

Claim 46:

Selker teaches a userbar rendered at an edge of the display (Selker, col. 7, lines 4-11; figures 1-5).

Claim 79:

Selker teaches that the size factor can be limited for limiting size expansion (col. 7, lines 18-25; col. 8, lines 1-10, 55-60).

Claim 98:

See claim 5. See Selker, col. 5, lines 33-55; col. 6, lines 1-17, 40-47; col. 7, lines 27-30, 36-44, 51-57; figs. 2-5.

Claims 120 and 130:

Selker teaches that icons are magnified by a factor that is preferably in some linear or non-linear inverse proportionate relationship to the proximity of the cursor (col. 5, lines 46-50).

Claims 122, 132, and 134:

Selker teaches that depending on the enhancement mode, any and all of the variations of display enhancement may be selectively produced (col. 9, lines 29-35).

Claims 127 and 135:

See claim 1. Selker teaches a row of icons displayed adjacent one edge of a display (Selker, figs. 1-5).

Claims 128, 138, and 141:

See claims 1, 5, and 26. Selker explains that the system may include several distance thresholds (col. 5, lines 19-67; col. 6, lines 1-17) and that the menu item's size is determined in inverse relation to the proximity of the cursor (col. 4, lines 21-29; col. 8, lines 6-8). Selker also teaches that the size of a menu item can be expanded to an arbitrary size and the graphic cursor brought to the selection position (col. 6, lines 40-47); and that the size factor of the menu item can be limited by the application such as for limiting size expansion to prevent unintended selection or delimiting size expansion in the case of a requirement for mandatory input, etc. (col.

8, lines 46-60). Selker explains that differences in d provide for different degrees of expansion of respective icon; and that depending on the enhancement mode determined by the operational state of the application, any and all of the variations of display enhancement may be selectively produced (col. 9, lines 29-35). Selker teaches that the size of a menu item is expanded in inverse proportionate relationship to the proximity of the cursor from a default height (e.g., h) to a fixed maximum level, and the height is maintained at that fixed level. For example, when distance=8, height=h+1; when distance=4, height=h+2; when distance=2, height=maximum level, which is maintained.

Claims 137 and 140:

Selker teaches that the object close to the cursor is magnified to a level that is inversely related to its distance from the cursor (figs. 1-3A). Carpendale teaches that all objects close to the cursor are magnified to levels that are inversely related to their distance from the closest item (page 46, col. 2, 2nd paragraph; figs. 1, 5).

Claims 11, 16, 17, 22, 24, 47, 52, 53, 58-60, 72, 83, 88, 89, 94-97, 108, and 126 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Selker/Carpendale* in view of *Malamud et al* (US 5,825,357).

Claims 11, 47, and 83:

See claim 1. Selker/Carpendale does not teach that there is a gap between the bar and the bottom of the display. However, Malamud discloses a tool interface, which includes a tray section 12 and an applications section 14. Display mode controls associated with the tray section enable a user to define how, where, and when the tray section and computer resources associated with the tray are displayed. The user may either attach the tray section to any of the four sides of the display screen or display the tray section as a palette (fig. 3). In the palette mode of display for the tray section, both the dimensions and position of the tray section are modifiable by the user (abstract; col. 4, lines 35-48). Therefore, it would have been obvious to an artisan in the art at the time of invention to include Malamud's palette mode in Selker/Carpendale's invention because the user is enabled to define the bar's position leaving, or not, a space between the bar and the bottom of the display.

Claims 16, 17, 52, 53, 88, and 89:

Selker/Carpendale does not teach that the bar is removed from the display when the cursor moves away from the bar. However, Malamud teaches that in the collapse mode the tray section is collapsed to a width of four pixels, enabling the applications section to occupy substantially the entire screen (col. 5, lines 52-67; col. 6, lines 1-13). Thus, it would have been obvious to a person having ordinary skill in

the art at the time of invention to include Malamud's teachings in Selker/ Carpendale's invention because the user is enabled to instruct the computer system to hide or minimize the toolbar when needing to occupy the entire screen.

Claims 22, 24, 58, 60, 94, 96, and 97:

See claim 20. Malamud teaches a permanently displayed extended command area 23 of the tray section 12, referred to as an embedded computer resource. The embedded computer resource includes a system icon 28 and a digital clock display 44, but other computer resources can be added to the command area 22 (col. 6, lines 41-60; col. 9, lines 49-61).

Claims 59 and 95:

See claim 22. Malamud teaches that at least two tiles establish a left and right end for the userbar (Malamud, figure 2).

Claim 72:

See claim 21. Malamud teaches that tiles have a minimum size, which is changed when the panel exceeds the minimum size requirement (col. 5, lines 12-22; col. 6, lines 41-60; col. 10, lines 54-60).

Claim 108:

See claim 22. Malamud teaches that the user can control the allocation of the tiles (col. 7, lines 34-36; col. 10, lines 43-53; col. 11, lines 7-20; col. 13, lines 47-67;

col. 14, lines 1-11, 48-53).

Claim 126:

See claim 24. Malamud teaches permanent and nonpermanent objects embedded in the bar. Malamud teaches icons (outermost ends) 28 and 34, which are predetermined, and the other icons are user-selectable (col. 6, lines 41-60; fig. 2).

Claims 18, 19, 54, 55, 90, and 91 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Selker/Carpendale* in view of *Ludolph et al* (US 5,657,049).

Claims 18, 54, and 90:

Selker/Carpendale does not teach that when the bar is removed it appears to slide into an edge of the display in response to a keystroke. However, Ludolph discloses a Desk Drawer, which is closed (removed) when the cursor pointer 50 leaves the drawer region 35. Mouse and/or keyboard commands may be effectuated to close the Desk Drawer (col. 9, lines 31-39; col. 13, lines 16-22). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include Ludolph's teachings in Selker/Carpendale's invention because animation creates the illusion of movement, it adds realism, the drawer not only disappears but the user can actually see it opening and closing.

Claims 19, 55, and 91:

See claim 18. Ludolph teaches that the computer automatically closes (autohide) Desk Drawer when the cursor pointer leaves the drawer region 35 (col. 13, lines 16-22).

Claims 28, 31, 32, 64, 67, 68, 100, 103, and 104 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Selker/Carpendale* in view of *Mackinlay et al* (US 6,256,649 B1).

Claims 28, 64, and 100:

Selker/Carpendale does not teach that labels associated with the tiles are displayed with a first predetermined fade-in rate when the cursor moves proximate to a tile from another tile. However, Mackinlay discloses an animated spreadsheet wherein a user can specify the current cell just by moving the mouse cursor on the cell. When the cursor comes in a cell, the data flow graph associated with the cell gradually appear on the screen (fades in), and it gradually disappears when the cursor moves away from the cell (fades out), (abstract; col. 3, lines 11-26; col. 7, lines 32-37; col. 8, lines 21-48). Thus, it would have been obvious to an artisan in the art at the time the invention was made to include a fade-in and fade-out rate in Selker/ Carpendale's invention because the gradual increase in visibility (fade-in) allows the

icon closest to the cursor to take up most of the user's attention and the gradual disappearance (fade-out) avoids confusion when making a selection.

Claims 31, 32, 67, 68, 103, and 104:

See claim 28. Mackinlay teaches that when the cursor comes in a cell, the data flow graph associated with the cell gradually appear on the screen (fades in), and it gradually disappears when the cursor moves away from the cell (fades out), (abstract; col. 3, lines 11-26; col. 7, lines 32-37; col. 8, lines 21-48).

Allowable Subject Matter

Claims 109-117 are allowed.

Claims 6-8, 29, 30, 33, 34, 39-41, 65, 66, 69, 70, 75, 77, 78, 101, 102, 105, 106, 124, and 125 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Prior art of record does not teach or suggest a predefined relationship between an effect width W, a default height h, and a selected maximum height H including a function S defined as: $S = ((H - h) \div \text{sine } (\pi \times (h \div 2) \div (W \times 2))$, as recited in claims

6, 39, 75, and 109.

Prior art of record does not teach or suggest a second predetermined fade-in rate when the cursor moves proximate to a tile from outside a region associated with the bar, as recited in claims 29, 65, 103, and 112; and a second fade out rate when the cursor moves out of a region associated with the bar, as recited in claims 33, 69, and 105.

Selker (US Patent 5,736,974) discloses a distance d, which can be computed from an address within the icon menu 30. The icon menu must be unaffected for cursor image positions over most of the display area or window. Some specific or inherent threshold of proximity between the icon menu and cursor selection position 25 should be provided (col. 5, lines 19-32; col. 6, lines 10-17; col. 7, lines 35-43; col. 8, lines 37-45). Selker fails to teach that the position of the tile varies based on a predefined relationship including a function S defined as

$S = ((H - h) \div \text{sine}\ (\pi \times (h \div 2) \div (W \times 2))$.

Mackinlay et al (US Patent 6,256,649 B1) discloses an animated spreadsheet wherein a brief animation is displayed after a user indicates interest in an annotation. When the cursor comes in a cell the data flow graph associated with the cell gradually appears on the screen (fades in), and it gradually disappears when the cursor moves away from the cell (fades out). Mackinlay fails to teach or suggest a second

predetermined fade-in rate when the cursor moves proximate to a tile from outside a region associated with the bar, and a second fade out rate when the cursor moves out of a region associated with the bar.

Carpendale discloses distortion-viewing techniques for 3-dimensional data that solves the problem of internal access using a distortion function that creates a clear line of sight to the focus revealing sections previously obscured. The distortion is symmetric about the line of sight and is smoothly integrated back into the original 3D layout. Carpendale teaches that the size of an icon can be changed when the cursor is placed close to it however, Carpendale fails to teach or suggest that the position of the icon changes in accordance with a predefined relationship including a function S defined as $S = ((H - h) \div \text{sine} (\pi \times (h \div 2) \div (W \times 2))$.

(11) Response to Argument

A. Appellant argues with respect to claims 1, 35, 71, 107, 118, 136 and 139 (page 4, last 4 lines-page 5, line 26) that "Selker patent does not teach repositioning other icons along a menu to accommodate the varied size of one icon...Carpendale publication discloses distortion viewing techniques for 3-dimensional data that apply magnification and distortion, in which a chosen focus is magnified to display detail, and neighbors are repositioned to accommodate the focal object...there is not motivation to combine their teachings."

In response, Selker discloses a method for improving visibility and selectability of icons by increasing size and/or providing animation of the objects (figs. 1-3A). Carpendale discloses a method for magnifying a chosen focus to display detail by repositioning the neighboring objects to accommodate the different sizes of the focal object (fig. 1 illustrates 2D distortion viewing). Any person having ordinary skill in the art would be motivated to modify Selker's userbar to include Carpendale's teaching of repositioning neighboring objects because as shown in Selker's fig. 3B, objects I-O are hidden when object L is magnified, and any user would like to be able to see the other objects along the bar for further interaction.

B. Appellant argues (page 6, lines 3-19), "the Carpendale publication is not directed to the components of a graphical user interface, such as an icon menu. Rather, it is particularly directed to techniques for viewing data that is displayed in a *three-dimensional* representation...Carpendale publication is concerned with the user's ability to view data that is *hidden* from view in three dimensional arrangement...the purpose of the distortion function is to move the data in the outer layers of the 3D representation out of the way, so that inner data can be viewed."

In response, Carpendale discloses 2D and 3D distortion methods (figs. 1 and 3). Carpendale discloses stretching all data on either side of a focal object and explains that the resulting distorted images make good use of available screen space.

Fig. 1 graphically illustrates the advantage of increasing the size of a focal object and repositioning others to accommodate the varied size of the focal object.

C. Appellant argues (page 7, lines 3-28), "...the purpose behind the distortion is to enable detailed information to be displayed within its global context...There is no teaching in either of the references which suggests that this objective is applicable to the presentation of menus or other collections of icons in a graphical user interface for personal computers...Carpendale...says nothing about selecting items from large menus, providing a focus area around a pointer, or providing an entire menu on a single screen without navigation, scrolling or cascading. That is because it has nothing to do with graphical user interface elements such as menus and icons."

In response, Selker is directed to a graphical user interface having a bar and tiles. Carpendale discloses a graphical user interface or environment for representing objects such as programs, files, and options by means of icons; the user is enabled to select and activate options by pointing and clicking with a mouse and/or keyboard. Carpendale discloses a method for enabling users to select objects representing data, for increasing the size of pointed objects and neighboring objects, for creating a clear line of sight to a focus, for revealing obscured sections, and for accommodating the neighboring objects having varied sizes. Carpendale teaches the "fisheye effect" which is being used in multiple inventions to increase the number of objects in an

interface and for enhancing visibility and selection of objects.

D. Appellant argues with respect to claims 5, 38 and 74 (page 8, lines 23-page 9, lines 1-2), "Selker's teaching of applying the Pythagorean theorem to the distances between an icon and a cursor...does not suggest any of the three factors recited in the rejected claims, namely an effect width, a default height or a maximum height..."

In response, claim 5 recites "...processor repositions said others of said plurality of tiles in accordance with a predefined relationship between an effect width W, a default height h of said at least one of said plurality of tiles and a selected maximum height H of said at least one of said plurality of tiles." Selker explains (fig. 5) that if icons E and P are at arbitrary locations on the screen and the cursor at another arbitrary location, evaluation of distances d' and d'' would be done in regard to both orthogonal directions on the display by applying the Pythagorean theorem to the distances between the icon address and the cursor address in both coordinate directions. Selker explains that differences in distance provide for different degrees of expansion of respective icons. Selker illustrates the magnification of a tile in figs. 1-3B, wherein a tile's size is increased from a default height to a maximum height, and it is also clear that the width is modified. Therefore, there is a predefined relationship between a width W, a default height h, and a maximum height H of the tiles.

E. Appellant argues with respect to claims 12-15, 24, 43, 44, 48-51, 60, 76, 79, 80, 84-87, 96, 122, 132 and 134 (page 9, lines 5-last line), "Selker patent...does not state that the value for an attribute of the bar is user selectable...it is the operating mode of the application program which determines the size or skew timing...*user* selectability is not suggested by...Selker..."

In response, Selker discloses that values are assigned to an attribute data representing a visual feature and that menu items are displayed in accordance with the assigned attribute data value. Whether the user is a common computer user or a designer, user selectability is suggested by Selker.

F. Appellant argues with respect to claims 15, 51, 87, 122 and 132 (page 10, lines 1-17), "Claim 15 recites that the effect width, i.e. the distance to either side of the cursor that determines which tiles will be scaled, is user selectable...The rejection of the claim points to portions of...Selker...which state that an icon can be expanded to any arbitrary size...the expanded size of an icon has nothing to do with effect width, as that concept is defined in the context of the...invention...Selker...only discloses that individual icons are scaled, rather that a range of icons within a certain distance of the cursor..."

In response, claim 12 recites "...a user selection function for permitting a user to select a value of at least one characteristic of said bar" and claim 15 specifically

recites "...wherein an effect width within which said at least one of said plurality of tiles have varied size is said at least one characteristic." See response to argument E. Selker discloses that icons can be expanded to an arbitrary size (effect width, default height, maximum height), which can be appreciated in figs. 1-3B; and Carpendale discloses varying the size of a focal object (effect width, default height, maximum height) and repositioning others to accommodate the varied size of the focal object.

G. Appellant argues with respect to claims 21, 57 and 93 (page 10, last paragraph), "Claim 21 recites that the plurality of tiles occupy multiple rows on the display...the rejection contains a general reference to Figures 1-25 of the Carpendale publication...none of these figures relate to elements of a user interface, such as icons or tiles on a bar."

In response, Selker discloses elements of a user interface, such as icons or tiles on a bar; and Carpendale discloses multiple objects occupying multiple rows on a display (figs. 1 and 5). It is also well known that toolbars have a determined capacity for holding a number of active application, and that once that number has been reached, the icons are displayed in another row. Every time the user activates and minimizes an application the size of the icons is decreased to accommodate other icons; the size of the icons is minimized to a default minimum size. Once the size of the icons representing the active applications reaches a determined minimum size and

the taskbar holds a maximum number of icons, and then the next icon that is minimized will be displayed in a second row.

H. Appellant argues with respect to claims 121 and 131 (page 11, lines 6-11), "Selker...[does not disclose] the concept of determining which icons to scale, other than the one closest to the cursor, based upon whether they are within a defined distance of the cursor...Selker...only discloses that an individual icon is expanded, not a range of icons that lie within a given distance of the cursor."

In response, Selker is used for its teaching a graphical user interface having a userbar wherein the size of a selected object is increased when the cursor is within a predetermined distance of the object (figs. 1-3B). Carpendale is used for its teaching of magnifying those objects located within a defined distance from the focal object and the cursor, and repositioning other neighboring objects (fig. 1).

I. Appellant argues with respect to claim 128 (page 12, lines 3-14), "In...Selker...the size of the icon does not increase from the default size to the maximum size upon detecting that the cursor is within the threshold distance...while the icon eventually reaches a maximum size, it does not do so by being magnified from its default size...and then maintained at that size..."

In response, Claim 128 recites "...displaying a plurality of said items at a default height in a region of said graphical user interface...increasing the height

of...said item closest to said cursor from said default height to a fixed maximum level..." Selker discloses items that are magnified from a default height to a maximum height. Selker explains the system may have several distance thresholds and that the size factor can be limited. However, the object will increase to a maximum size upon detecting that the cursor is within a specific and predefined threshold distance.

J. Appellant argues with respect to claims 71 and 72 (page 13, lines 9-19), "claim 71 recites a plurality of items which each have an associated default height. Claim 72...recites that the items are displayed at the default height unless they exceed a predetermined number, in which case the plurality of items are scaled...reduced in size...rejection of claim 72 relies upon...Malamud...particularly its reference to a minimum size requirement...this teaching does not suggest the subject matter of claim 72. Rather...Malamud...teaches that a minimum amount of space is required to dock an application, and if that amount is not available, the docking of an application is prevented...Malamud patent does not accommodate additional items by scaling them in size...Rather, it precludes the addition of more items beyond a certain point.

In response, Selker discloses objects that are magnified from a default height to a maximum height. Malamud discloses tiles having a minimum size. Malamud

explains that the system has a processor for determining, before docking, whether the available space exceeds the minimum size requirement. If the processor determines there is insufficient available space in the panel then the processor will prevent docking within the current panel area. It is also well known that taskbars cannot dock an infinite number of objects; and that a default minimum size is used to enable the user to see some details of the object in order to recognize the application.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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February 4, 2005

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